

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

Elan Pharma International, LTD., et al.,	:	
	:	Civil Action No. 09-5541 (FSH)
	:	
Plaintiff(s)	:	
	:	
v.	:	
	:	<u>PRETRIAL SCHEDULING ORDER</u>
Impax Laboratories, Inc.,	:	
	:	
Defendant	:	

---

**THIS MATTER** having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on March 23, 2010; and for good cause shown,

**IT IS on this 23<sup>rd</sup> day of March, 2010,**

**ORDERED THAT:**

1. The parties have indicated to the Court that Fed. R. Civ. P. 26 disclosures have been exchanged.
2. Any motion to amend pleadings or join parties must be filed by **8/31/10**.
3. The parties are to serve interrogatories and requests for production of documents on factual issues by **10/1/10**.
4. The earliest date for service of contention interrogatories is **10/1/10**.
5. Fact discovery is to remain open through **12/31/10**.
6. The date for parties to file opening Markman briefs on claim construction **will be determined by the Court**.
7. The date for parties to file responsive Markman briefs on claim construction **will be determined by the Court**.
8. The date for parties to file expert reports and expert discovery **will be determined by the Court**.

9. The deadline for dispositive motions **will be determined by the Court.**

10. The date for the final pretrial conference **will be determined by the Court.**

11. Counsel shall confer in a good faith attempt to informally resolve any discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention in the first instance by a brief letter outlining the dispute. The Court will thereafter schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) to resolve the dispute. See L. Civ. R. 16.1(f)(1). No discovery motion or motion for sanctions for failure to provide discovery shall be made before utilizing the procedures set forth in this paragraph without prior leave of Court.

12. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

13. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

14. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

15. There will be a **telephone status conference** before Magistrate Judge Shipp on **Thursday, September 9, 2010 at 11:30 a.m.** Counsel for Plaintiff is to initiate the call to 973-645-3827. By **9/2/10**, the parties are to e-file a joint case status letter with the Court, not to exceed five (5) pages, summarizing the status of the case.

16. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS.**

s/ Michael A. Shipp  
**UNITED STATES MAGISTRATE JUDGE**

Original: Clerk of the Court  
cc: Hon. Michael A. Shipp  
All Parties  
Deputy Clerk  
File